

RAILROAD CASES - General

DRAWER 4 IMPORTANT LAW CASES

71.2009.085, 04/23

Abraham Lincoln's Important Cases

Railroad Cases General

Excerpts from newspapers and other
sources

From the files of the
Lincoln Financial Foundation Collection

Weekly Pantagraph.

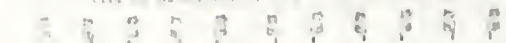
EDNA ABRAHAM J. LEWIS, EDITOR.



Bloomington, Wednesday, July 1, 1857.

TO ADVERTISERS.

1. ADVERTISING IN A LIST OF ANY NEWSPAPER PUBLISHED IN THE
STATE OF ILLINOIS, OR CENTRAL ILLINOIS.



W. J. G. and J. A. M. are grateful to the W. J. G. Foundation for financial support. We thank Dr. J. A. M. for his critical reading of the manuscript. We also thank Dr. J. A. M. for his critical reading of the manuscript. We also thank Dr. J. A. M. for his critical reading of the manuscript.

PLAY NOTES.

1. The first step is to identify the problem. This involves understanding the situation and the goals that need to be achieved.

NEW ADVERTISERS

The author's solicitation of our readers

1. Name	.....	2. Roll No.	.....
3. Date	.....	4. Page	.....
5. Title	.....	6. Author	.....
7. Subject	.....	8. Editor	.....
9. Publisher	.....	10. Place	.....
11. Year	.....	12. Price	.....
13. No. of Vols.	.....	14. No. of Pgs.	.....
15. No. of Chs.	.....	16. No. of Ills.	.....
17. No. of Pls.	.....	18. No. of Maps	.....
19. No. of Tables	.....	20. No. of Indexes	.....
21. No. of References	.....	22. No. of Footnotes	.....
23. No. of Appendices	.....	24. No. of Bibliographies	.....
25. No. of Glossaries	.....	26. No. of Indexes	.....
27. No. of Prefaces	.....	28. No. of Introductions	.....
29. No. of Conclusions	.....	30. No. of Summaries	.....
31. No. of Abstracts	.....	32. No. of Reviews	.....
33. No. of Forewords	.....	34. No. of Acknowledgments	.....
35. No. of Dedications	.....	36. No. of Epigraphs	.....
37. No. of Epilogues	.....	38. No. of Postscripts	.....
39. No. of Addendums	.....	40. No. of Errata	.....
41. No. of Corrections	.....	42. No. of Revisions	.....
43. No. of Supplements	.....	44. No. of Additions	.....
45. No. of Deletions	.....	46. No. of Amendments	.....
47. No. of Modifications	.....	48. No. of Alterations	.....
49. No. of Replacements	.....	50. No. of Substitutions	.....
51. No. of Transfers	.....	52. No. of Relocations	.....
53. No. of Revisions	.....	54. No. of Updates	.....
55. No. of Corrections	.....	56. No. of Amendments	.....
57. No. of Modifications	.....	58. No. of Alterations	.....
59. No. of Replacements	.....	60. No. of Substitutions	.....
61. No. of Transfers	.....	62. No. of Relocations	.....
63. No. of Revisions	.....	64. No. of Updates	.....
65. No. of Corrections	.....	66. No. of Amendments	.....
67. No. of Modifications	.....	68. No. of Alterations	.....
69. No. of	.....	70. No. of	.....

COLLECT PROCEEDINGS.

the Circuit Court, and on Saturday. Under the direct supervision of Judge Noyes, who, as the friend of Judge Davis, presided during the whole term, a large number of business was dispatched. Judge Noyes in his wandering opinions from all sorts of people, for the ability, promptness, dignity and energy with which he conducted the proceedings of the court, and must and needed the numerous parties, questions which occasionally arise in the course of a rapid litigation of legal business. He is violently directed to become a member to the Illinois bench. We noticed elsewhere the proceedings of a meeting of the bar, and the complimentary resolutions adopted by those who were best qualified to judge of the other conduct on which they comment.

We have ventured this step upon what seems to be something of an innovation upon previous custom *here*, in publishing a careful summary each morning of the views tendered or otherwise displayed of on the proposition. As usually the case with innovations, our course has elicited sundry comments, some favorable, others quite the contrary. Some have complained of it, and others better, on their own account, and some have hinted to us, in a friendly way, that *others* had objections, though *they* had none. The remarks of all these have been carefully weighed by the editors, and have not proved of sufficient weight in our minds to deter us from carrying the experiment through.

LATE NEWS ITEMS.

LOSS OF THE MONTREAL.—The Montreal was one of the regular steamers running between Quebec and Montreal. She left Quebec at about four o'clock on Friday afternoon, with between four and five hundred passengers, of whom a majority were Scotch and other emigrants, recently arrived from Europe. The fire broke out at about five o'clock, when the steamer was off Cape Rouge. The boat was stopped, and efforts made to extinguish the flames; but these failed, and orders were given to run the boat ashore. The flames, however, spread with a terrifying rapidity, disabling the steamer while yet a considerable distance from land, and driving the passengers overboard. The steamer Napoleon, which was a few miles in advance, put back and saved 127 passengers, and some were also saved by the steamer Alliance. The loss, however, is reckoned at not less than 350. It is said that 105 dead bodies have been recovered.

ARREST OF BURGLARS—Three burglars, and two "finders" or receivers of stolen goods, were arrested in Chicago on Saturday. A good deal of stolen property was recovered. It is said the gang consisted of about twenty men, many of whom have already fled from the city. It is not unlikely some of them may visit Bloomington.

"MURDER VILLAGE" IN IOWA.—A correspondent of the *Chicago Tribune* writes from Lyons, Iowa, that on Thursday last some two hundred regulators from Clinton and adjoining counties assembled near Tama, on the Wapsipicon river, to break up a gang of horse thieves which infested that neighborhood. They arrested, tried and hung a man named Wixon, an old resident of Clinton county, and shot dead a man named Page, who was trying to escape from them. On Friday they are said to have hung two more suspected thieves, and on the same day they visited the county seat, Dewitt, in search of others of the gang.

UTAH.—Col. Cumming, the new Governor of Utah, left Washington on Friday for St. Louis. He will take to Utah three regiments of U. S. troops, numbering about 2500 men. He arrived in St. Louis on Sunday.

THE CAPTIVES RESCUED.—The St. Paul Times of the 22d inst. contains an account from the St. Peter (Minn.), of the finding of one of the two Spirit Lake captives who were left in captivity when Mrs. Mable was rescued. That one, Mrs. Garboer, has been found by some Yankton Indians and brought into Yellow Medicine. She had been placed on a tall as a target by the red devils of the Spirit Lake Massacre, and shot at, the whole band alternating in the sport. Both her legs were broken and she was left to die. She says that the tormentors had murdered Mrs. Noble, a few days previous, before her eyes, and left her on the prairie.

THE GREAT CELEBRATION.

The *Missouri Republican* gives a detailed statement of the cost of the great railroad celebration at St. Louis, running up \$14,142 39. Of this amount \$4,585 45 was defrayed by the sale of tickets of admission, etc., etc., leaving \$10,546 74 to be paid by the city. Thus, it is of course understood, is the expense incurred at *St. Louis* alone. The expenses at Cincinnati, Vincennes and other places, and the enormous expenditures of the different railroad companies which carried the excursionists free, would run up to a pretty sum. They have all been well repaid, however, in the wide-spread notoriety given to their locality by the press of the whole Union, and the general attention thereby drawn to the advantages offered to travel or emigration by the railroads, cities and open country of the West. St. Louis especially.



BY THE ILLINOIS &
Office, Peoria, Ill.—

TERRIBLE C

LOSS OF STEAMER LIVES

The steamer *Montreal* near Carving's about 12. There were about 300 mainly Scotch emigrants were rescued by the ship.

It is believed that there were saved in other ways many as 200 persons drowned. Mr. Philip among the drowned.

SECOND DEPART—
trial, H. Rudolph, and
the saved. Report of
from the Chamber of
with the saved, and
on board that the num-
ber was 50.

[illegible]

The steamer *Emma*
Harris, for California
1st cl. All well.

The story of war spins wall on the Tich, a Cyane, in San Juan prisoners.

The U. S. steamer in the broad port of arrived yesterday, and then, 131 women served under Gen. V. Seventy are sick and seriously.

The steamship City of Liverpool at one o'clock 17th, or we had an early steamer North Star, also arrived early this morning from England in the news of importance, but dispatch.

The Tribune's New says: "Gen. Martin been made provisions for, and Gen. Jones, Commander-in-Chief months, when a held."

The Washington Herald says a treaty and will be shortly c

AUCTIONED C. & A.'S HISTORY INTERTWINED WITH LINCOLN'S

He Was the Railroad's Attorney in Many Cases, He Traveled Over It in His Political Campaigns and During His Debates With Douglas, and the Funeral Train of the Martyred President Bore Him on Its Rails to His Last Resting Place in Springfield.

(By a Member of The Star's Staff.)

WILMINGTON, ILL., Dec. 13. —Shadows from early day history—figures that move across the pages written by another generation—slip into the picture of last Thursday at the little red brick depot here in Wilmington, where the Chicago & Alton railroad was sold to the Baltimore & Ohio.

One might close his eyes to the modern scene of special train, upholstered and finely finished private cars, in which the B. & O. and Alton officials rode to Wilmington. What would one see?

Another special train, odd little puffing engine with large flaring smoke funnel, and nine cars drawn slowly. Mourning drapes reach from the locomotive to the last coach. It is the funeral train hearing the body of President Lincoln to his home city, Springfield, Ill., from Washington.

The Chicago & Alton tracks, now sold to the Baltimore & Ohio after many years of financial adversity, were traversed by the martyred President's train.

A Luxurious Car in Its Day.

It was at 1 o'clock in the morning of Wednesday, May 3, 1865, that the Lincoln special train moved through Wilmington. There was a small frame depot at that time standing on the same site as the present red brick station where the road was sold last Thursday.

Lines of men for miles around were drawn up at the tracks. The men held torches aloft. The frame depot was draped in mourning. Nearly 2,000 persons were present to view the funeral cortege of Illinois's famous son. Minute guns sounded as the train moved slowly along.

That funeral car was regarded as just as ornate a railroad coach in those days as the private car of the present day officials. President Lincoln had ordered that car. It had been built in Alexandria, Va., for the United States military railroads and was intended for the use of President Lincoln and other officers of the government when traveling over the country from one front to the other. There was a parlor, a sitting room and sleeping apartment all fitted in the most modern way.

Relic of Funeral Coach Remains.

At the state historical society in Springfield, Ill., there is a parlor car seat from the funeral coach of the martyred President. It looks very small and, compared with the easy chairs of today, it appears to be somewhat uncomfortable—just a glorified camp chair, a chair that folded up

and was padded on the arms and at the back.

That same Lincoln, whose martyred body was escorted to the tomb along those Chicago & Alton tracks, had acted as attorney for the Alton road in the old days when he was practicing law at Springfield. Railroad cases were not strange to Abraham Lincoln. His name was written into several cases where railroads were in court. One case in which he figured was the Rock Island's successful defense of the railroads' right to throw bridges across navigable streams. Lincoln was one of the lawyers who tried that case, which was finally won in the courts. Lincoln received \$500 for a fee in the case which meant millions. However, it is believed that attorneys for the road working with him paid him additional amounts by personal check or by cash.

This same Chicago & Alton right-of-way between Springfield and Chicago was the way Lincoln went to Chicago on numerous occasions. Springfield was the center of the early day interest in railroad development. Pioneers desired to link the Mississippi River and the Great Lakes so that the vast agricultural, timber and mineral area would be tapped by rail for water hauls.

A Turnpike That Might Be a Railroad.

A record in the historical society's archives shows that pioneering in railroad building was beginning. One may read the charter by which the Illinois legislature in 1835 granted a right to several men to build "The Springfield and Alton Turnpike Road Company." The purpose of the grant was given as follows:

"For the purpose of constructing a turnpike road from Springfield in Sangamon County, and Alton on the Mississippi River in St. Clair County, opposite to St. Louis, to transport, take and carry property and persons upon the same, by the power and force of steam, of animals or any mechanical or other power or by any combination of them, which the said corporation may choose to employ." Several roads sought incorporation and grants. The Alton & Sangamon Railroad Company was incorporated in 1847 by the Illinois general assembly. The Chicago & Alton was carved out of several systems, including the Alton & Sangamon, and incorporated in 1861.

As railroads began to centralize

around Springfield, Abraham Lincoln's railroad cases began to increase, since it was expedient, as it is today, for a railroad or any other large corporation to have local counsel at

state capitals to look after cases in the state supreme court.

When McClellan Was a Railroad Executive.

Another great name stands out in the making of Illinois railroads—that of George B. McClellan, who helped to develop the Illinois Central and who was to become a Civil War general. The general touches on his relationship with Lincoln in their early railroading days in his memoirs:

"Long before the war, when vice-president of the Illinois Central Railroad Company, I knew Mr. Lincoln, for he was one of the counsel of the company. More than once I have been with him in out-of-the-way

town as ordinary passengers, although Lincoln rode on his "attorney's pass." Frequently Lincoln had to ride in the caboose. Once, while they were debating in Southern Illinois, Lincoln and his friends were in a caboose attached to a freight train, which was sidetracked while a fast special train bearing Stephen A. Douglas went by, a band playing "The Conquering Hero" and banners streaming from the sides of the Douglas special.

"Boys, the gentleman in that car evidently smelt no royalty in our carriage," Lincoln said to his comrades, with a laugh, as the Douglas private car went past.

In Demand as Railroad Attorney.

In his book, "Lincoln and the Railroads," John W. Starr, jr., gives an account of Lincoln's legal work for the Chicago & Alton:

"As more and more railroads were projected or built through Illinois, the attorney in Sangamon County found himself more and more in demand. We have already emphasized the fact that Lincoln's rise was coincident with that of the railroads. His career during the '40s and '50s, leading up to the presidency, continually illustrates the point.

"There has been a tradition in Springfield ever since I can remember," writes William L. Patton of the legal department of the present Chicago & Alton road, "that the original ordinances whereby the Alton &

Sangamon Railroad Company acquired its right-of-way in Third street in city of Springfield were drafted by Mr. Lincoln, but reference to the journals of the city council of the dates of the passage of the ordinances gives no information whatever as to the connection of Mr. Lincoln therewith, and a search of the deposit boxes in which the old ordinances were kept fails to reveal the original ordinances."

"However, we do know that from 1847 to 1850 Abraham Lincoln was connected with this corporation in a minor capacity in the law department, although definite details are lacking. During the years 1851 and 1852 we find his name appearing as attorney in four different cases carried to the state supreme court. In

county seats where some important case was being tried and, in the lack of sleeping accommodations, have

spent the night in front of a stove listening to the unceasing flow of anecdotes from his lips. He was never at a loss and I could never quite make up my mind how many of them he had really heard before and how many he invented on the spur of the moment. His stories were seldom refined, but were always to the point."

Regardless of the associations McClellan may have had with Lincoln in the railroading days in Illinois, the Illinois Central executive turned from Lincoln in the famous debates with Stephen A. Douglas. McClellan provided special trains and private cars for his friend Douglas, while Lincoln and his followers went from town to

the first two he appeared alone in behalf of the road, while in the latter two the firm of Lincoln & Herndon handled the suits, yet it should be borne in mind that during this partnership the senior member 'rode the circuit' and pleaded the majority of the cases while the junior attended to the office work."

"In the Red" Under Harriman.

Abraham Lincoln's importance as a railroad attorney is illustrated by the fact that the Rock Island called him in as the most likely and forceful attorney to win the famous bridge case which was a turning point in railroad development. Lincoln also refused \$10,000 a year as counsel for a big eastern railroad.

Those are the scenes and the times one thinks about in connection with the sale of the Alton. It is a pioneer road—one of the first to move products between the Great Lakes and the Mississippi River. Once it was regarded as a safe investment with an apparently never-failing 8 per cent return. Then E. H. Harriman, railroad financial schemer, pounced upon it and as a result its history has been written in red for years.

The little town of Wilmington scarcely has seen so much excitement, since that night when the Lincoln funeral train went through, as it did Thursday when the many officials of the Alton and B & O. came here to sell the Alton for 23 million dollars to the Baltimore & Ohio. The town of Wilmington was organized under the name of Winchester, May 17, 1836. The name later was changed because there was found in Illinois another town named Winchester. A paper mill provides employment for many persons. However, many of the residents are retired farmers and those who live in the old houses have proud family history reaching back, in many cases, to the very founding of the republic.

Why Wilmington Was Chosen.

Lincoln? Yes, everyone likes to talk about Lincoln. The Emancipator never was in Wilmington, so far as anyone could remember the local history. One citizen went to get a scrap-book he had kept many years. He pointed to a clipping made recently in connection with a somewhat public argument in Joliet (about fifteen miles from Wilmington) as to whether Lincoln ever spoke in Joliet. Someone found a copy of the Joliet Signal of October 8, 1856, which stated in part:

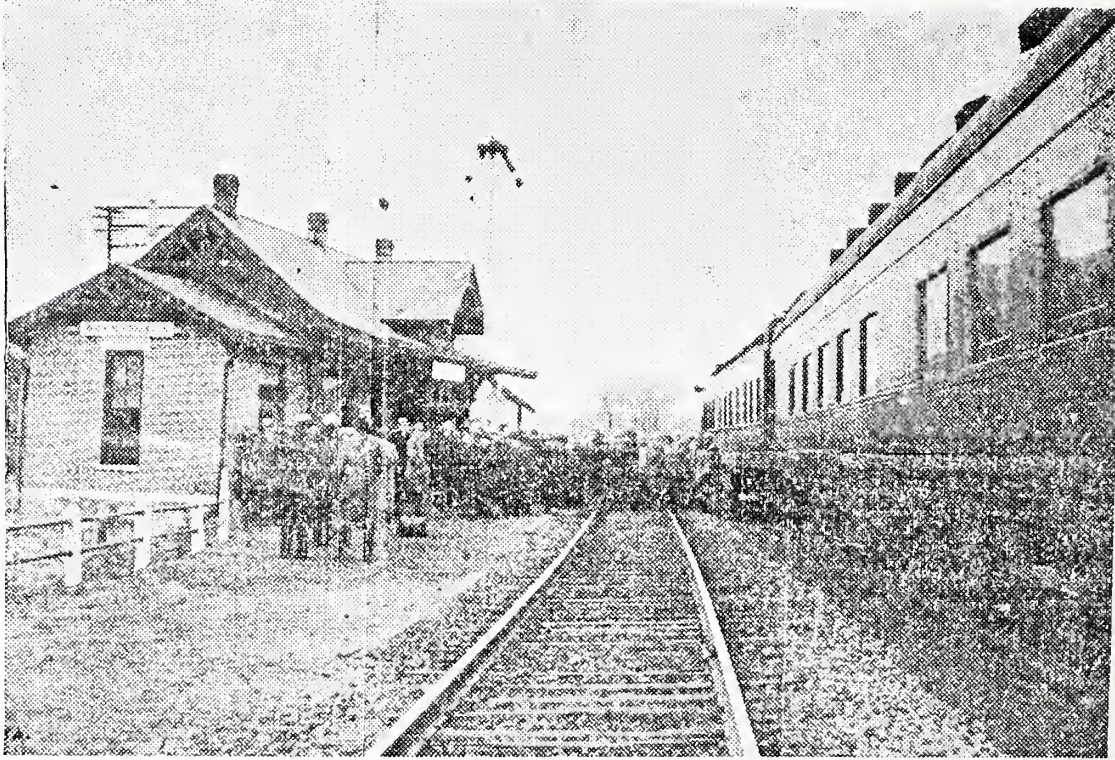
"Our city was literally filled with enthusiastic Fremonters and the vast multitudes were troubled to find vacant ground to stand upon. Indeed, it is doubtful if ever as large a number of people were assembled together since the world began."

stated that 2½ million persons heard the speech. He continued:

"And the speakers—it is but necessary to mention their illustrious names to give an idea of the great oratorical demonstration — Lovejoy and Yates and Norton, Nakass Trumbull and Abe Lincoln, and last but not greatest, Knud Iverson Bross of the Chicago Democratic Press, astounded the countless host with their inspired eloquence. Lovejoy was the best spokesman on the ground, Nakass Trumbull and Abe Lincoln coming second best. It may be doubted by our readers that there were so many present, but we will merely say that it is nothing for the black Republicans these times to get up a meeting of 2½ million out of a county containing a population of only 15,000 or 20,000."

Lincoln's funeral car has passed the depot; the special train of Stephen A. Douglas has passed the slow freight

train in which Abe Lincoln was riding; McClellan, railroader and soldier, salutes the head of a nation who once told stories in out-of-the-way places where railroad lawsuits were being tried. And now the bankers move out from Chicago, gather in the little depot here because it was the first place out of Chicago to which the road held fee title. There is the formality of reading a long court transcript. Then back to Chicago—all for 23 millions of dollars and the assumption of certain bonds.



AT THE CHICAGO & ALTON DEPOT IN WILMINGTON, ILL., LAST THURSDAY WHEN THE RAILROAD WAS SOLD AT AUCTION.

LINCOLN LORE

Bulletin of the Lincoln National Life Foundation - - - - - Dr. Louis A. Warren, Editor
Published each week by The Lincoln National Life Insurance Company, Fort Wayne, Indiana

Number 484

FORT WAYNE, INDIANA

July 18, 1938

THE RAILSPLITTER AND THE RAILROADS

The induction into service of modern streamline trains between New York and Chicago, by two of the nation's outstanding transportation companies, has called to mind the evolution of the railroad during the life time of the Railsplitter and the part which he played in its progress.

Early Railroad Spokesman

During the first recorded public address by Abraham Lincoln, delivered when he was but twenty-three years of age, this statement was made with reference to the value of railroads:

"A meeting has been held of the citizens of Jacksonville and the adjacent country, for the purpose of deliberating and inquiring into the expediency of constructing a railroad from some eligible point on the Illinois River, through the town of Jacksonville, in Morgan County, to the town of Springfield, in Sangamon County. This is, indeed, a very desirable object. No other improvement that reason will justify us in hoping for can equal in utility the railroad. It is a never-failing source of communication between places of business remotely situated from each other. Upon the railroad the regular progress of commercial intercourse is not interrupted by either high or low water, or freezing weather, which are the principal difficulties that render our future hopes of water communication precarious and uncertain."

The Long Nine Railroad Advocate

Lincoln's political career had advanced to such an extent by 1836 that he had become the leader of the Sangamon delegation in the Illinois Legislature. These representatives associated with Lincoln consisted of nine tall men of which Lincoln was the tallest. As spokesman for the group he had gone on record "for distributing the proceeds of the sales of public lands to the several states, to enable our state in common with others, to dig canals and construct railroads without borrowing money and paying the interest on it."

A Railroad Congressman

Lincoln's first political speech had touched upon the utility of the railroad. As a member of the Illinois Legislature, he voted for laws favorable to the building of railroads and his last speech as a congressman was delivered "on the bill granting lands to the states to make railroads and canals."

His argument was mainly for the purpose of meeting some objections to the bill. If he understood those objections the first was that "if the bill were to become a law it would be used to lock larger portions of the public lands from sale without at least effecting the ostensible object of the bill—the constructing of railroads in the new states."

A Railroad Attorney

As an attorney for the Illinois Central Railroad, Lincoln was paid his largest single fee, although he was obliged to sue to collect the amount he felt was due him. Many other roads retained Lincoln to represent them in litigation and he had an annual pass over the Chicago and Mississippi Railroad.

His most significant service rendered to the advancement of rail transportation interests during the Illinois days was the winning, assisted by his associates, of the famous Bridge Case for the Rock Island Railroad. This case eventually opened the way for the building of railroad bridges across navigable streams and it made pos-

sible the remarkable extension of the coast to coast railroads in which Lincoln was to have a unique part.

A Pioneer Railroad Builder

While Abraham Lincoln was President, many appeals were made to the government for assistance in the construction of railroads. In January, 1863, a letter urging the completion of a line to Springfield, Missouri, was received, to which Lincoln replied he had considered it and then concluded, "the military necessity for it is not so patent but that Congress would try to restrain in some way were I to attempt it."

Lincoln did see, however, the military necessity of a road to the Pacific coast and it was an epoch making decision when he came to the conclusion that the road must be built as indicated by this memorandum:

"Executive Mansion, Washington, October 5, 1863.

"Whom it may concern: Unless something now unknown and unexpected shall come to my knowledge, tending to change my purpose, I shall, at the proper time, appoint Timothy J. Carter one of the two directors to be appointed by the President, according to a provision in the first section of the act of Congress, entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the government the use of the same for postal, military, and other purposes, approved July 1, 1862.'"

"Abraham Lincoln."

How far this project had progressed is revealed in Lincoln's annual message to Congress presented on December 6, 1864, in which this statement appeared:

"The great enterprise of connecting the Atlantic with the Pacific States by railways and telegraph lines has been entered upon with a vigor that gives assurance of success, notwithstanding the embarrassments arising from the prevailing high prices of materials and labor. The route of the main line of the road has been definitely located for one hundred miles westward from the initial point at Omaha City, Nebraska, and a preliminary location of the Pacific Railroad of California has been made from Sacramento, eastward, to the great bend of Truckee River, in Nevada."

A Railroad Superintendent

During the early days in the legislature, the session in Congress, or in his active legal practice as a railroad attorney, "the railsplitter" could never have anticipated that some day he would take over the superintendency, so to speak, of all the railroads in America. An order issued by the Secretary of War on May 25, 1862, virtually gave him supreme authority over the transportation schedule of all lines. The order follows:

"War Department, May 25, 1862.

"Ordered: By virtue of the authority vested by act of Congress, the President takes military possession of all the railroads in the United States, from and after this date until further order, and directs that the respective railroad companies, their officers and servants, shall hold themselves in readiness for the transportation of such troops and munitions of war as may be ordered by the military authorities, to the exclusion of all other business.

"By order of the Secretary of War:

"M. C. Meigs, Quartermaster-General."

Lincoln's 'Railroading'

The Association of American Railroads has just released some interesting publicity on the connection which Abraham Lincoln had with the railroads. On many occasions, it shows, the famous President acted as attorney for a number of railroads, including the Illinois Central Railroad Company, the Chicago, Rock Island and Pacific Railway Company and the Alton Railroad Company.

Two of the most important cases which Lincoln argued were for the Illinois Central and the Rock Island, affecting far-reaching issues. Granted a charter in 1851 by the state of Illinois, the Illinois Central was exempted from state taxation, with the understanding that it was to pay 7 per cent of its gross rev-

enues into the state treasury. Subsequently, an Illinois county assessed the road. A lower court upheld the county. An appeal to the state supreme court reversed the decision. The A. A. R. points out that had the final ruling been unfavorable, "the millions of dollars which the road would have had to pay in local taxes would doubtless have bankrupted the company." Then it adds that for his work in this case, Lincoln was paid \$5,000—the largest fee he ever received.

The right to bridge navigable streams involved the Rock Island, which had thrown a span over the Mississippi River between Davenport, Ia., and Rock Island, Ill. Shortly after a steamboat crashed into a pier, caught fire, and was destroyed. The boat's owners brought suit for damages. Not until years later did the United States Supreme Court rule in favor of the Rock Island.

Lincoln Was a 'Railroad Man'

Christian Science Monitor 2-12-40

Abraham Lincoln was a "railroad man" long before he was a national figure. He fostered railroads, pleaded their cases in court and traveled on them at every opportunity. After becoming President of the United States, he hastened the advent of transcontinental transportation by rail, and helped to determine the standard track gauge of the country.

These facts, generally unknown, will be found in the yellowed records of railroads with which Lincoln was identified and over which he rode, according to the Association of American Railroads. They throw light on a side of the Great Emancipator's career that has received but little notice at the hands of his biographers.

From the time he was a boy, "Honest Abe" was interested in transportation. At first he favored the development of waterways, because he was familiar with them and thought they were cheaper to build and maintain than railroads.

As a legislator, Lincoln supported and promoted measures for the building of railroads. In fact, while a member of the Illinois Legislature, his enthusiasm overshadowed his better judgment, and he voted for an ambitious railroad construction program without much thought about where the money was coming from to carry it out. The last speech he made in Congress was on a "Bill Granting Lands to the States to Make Railroads and Canals," passage of which he earnestly advocated.

After serving one term in Congress, Lincoln until 1860 acted on many occasions as attorney for several railroads, among them being the Illinois Central, the Rock Island, and the Alton. Most of his railroad

cases had to do with land rights or were suits filed against the road for personal injuries, the loss of cattle, and the like.

Probably the two most important suits that Lincoln ever argued were for railroads—one for the Illinois Central and the other for the Rock Island. Both involved issues of far-reaching effect.

When the Illinois Central was granted a charter in 1851, the State exempted the railroad from taxation, in lieu of which the company was to pay 7 per cent of its gross revenues into the State Treasury. Shortly after this, a county assessed the railroad, and the latter went to court about it. The railroad lost the case in the lower court, but appealed to the State Supreme Court and won. If the final decision had been unfavorable to the railroad, the millions of dollars that the Illinois Central would have had to pay in local taxes would have doubtless bankrupted the company. For his services in this case, Lincoln was paid \$5,000—the largest legal fee he ever received.

The celebrated Rock Island case concerned the right of railroads to bridge navigable streams. In the face of strong opposition from powerful steamboat interests and river cities, the railroad had thrown a span across the Mississippi between Davenport, Iowa, and Rock Island, Illinois. A few days after the bridge was opened, the steamboat Effie Afton crashed into a pier and caught fire, destroying the boat and burning part of the bridge. The boat company held that it was an accident, and that the bridge "menaced transportation." The railroad charged the boat had either deliberately run into the bridge or the pilot had been criminally negligent. At any rate, an action was brought by the steamboat company to recover damages for the loss of the craft, but in reality it was a test case to prevent such bridges from being built.

Lincoln was retained by the Rock Island, and the case was heard before the Federal Circuit Court in Chicago. Besides endeavoring to show that the collision was intentional, Lincoln argued that "one man has as good a right to cross a river as another has to sail up or down it." He also pointed out that railroads operate the year around, while river traffic is halted during the winter months. The jury disagreed, and not until years later did the United States Supreme Court rule that the bridge could remain. Had the decision been different, the entire pattern of railroad operations in this country would have been changed.

Another way that Lincoln served the railroads was as arbiter. He was often called upon to decide disputes between carriers. It was under his direction, also, that the first valuation of the Illinois Central was made.

An incident that might have changed the course of Lincoln's career is said to have occurred in the early part of 1860. The Illinois lawyer delivered a brilliant political address at Cooper Institute in New York City, and in the audience was Erastus Corning, president of the New York Central Railroad. Corning was so impressed by the speaker that he sought Lincoln the next day and offered him the post of general counsel for the railroad at a salary of \$10,000 a year. Tempting as the proposition was, Lincoln declined it, saying that he wouldn't know what to do with so much money.

After becoming the Nation's chief executive, Lincoln played a leading role in the launching of the Union Pacific project, which was to link the East with the West. He advocated and signed the act chartering the railroad, decided the railroad's point of beginning and fixed the width of the track as four feet, eight and one-half inches, the standard gauge.

ASSOCIATION OF AMERICAN RAILROADS
Transportation Building
Washington, D. C.

28529
P 1534

TO THE EDITORS: The following story is for publication in AFTERNOON newspapers of SATURDAY, FEBRUARY 10, and papers of SUNDAY, FEBRUARY 11. If illustrations are desired, the following photographs can be obtained without charge by addressing a request to the Association of American Railroads, Transportation Building, Washington, D. C.: Lincoln as a railroad attorney; first railroad bridge across Mississippi River; Lincoln's arrival in Washington to become President; Lincoln and General Dodge discussing plans for the building of the Union Pacific; Lincoln funeral car; Lincoln funeral train, and Lincoln railroad documents. Please specify which pictures are wanted.

Abraham Lincoln was a railroad man long before he was a national figure. He fostered railroads, pleaded their cases in court and traveled on them at every opportunity. After becoming President of the United States, he hastened the advent of transcontinental transportation by rail, and helped to determine the standard track gauge of the country.

These facts, generally unknown, will be found in the yellowed records of railroads with which Lincoln was identified and over which he rode. They throw light on a side of the Great Emancipator's career that has received but little notice at the hands of his biographers.

From the time he was a boy, "Honest Abe" was interested in transportation. At first he favored the development of waterways, because he was familiar with them and thought they were cheaper to build and maintain than railroads. Later, however, he was one of the railroads' staunchest advocates.

As a legislator, Lincoln supported and promoted measures for the building of railroads. In fact, while a member of the Illinois Legislature, his enthusiasm overshadowed his better judgment, and he voted for an ambitious railroad construction program without much thought about where the money was

coming from to carry it out. The last speech he made in Congress was on a "Bill Granting Lands to the States to Make Railroads and Canals," the passage of which he earnestly sought to accomplish.

After serving one term in Congress, Lincoln returned to Springfield, Ill., where he resumed the practice of law. Thereafter, until 1860, he acted on many occasions as attorney for several railroads, among them being the Illinois Central, the Rock Island, and the Alton. Most of his railroad cases had to do with land rights or were suits filed against the road for personal injuries, the loss of cattle, and the like. By employing homely logic and simple, picturesque phraseology, he was successful in the great majority of instances.

Probably the two most important suits that Lincoln ever argued were for railroads--one for the Illinois Central and the other for the Rock Island. Both involved issues of far-reaching effect.

When the Illinois Central was granted a charter in 1851, the state exempted the railroad from taxation, in lieu of which the company was to pay seven per cent of its gross revenues into the state treasury. Shortly after this, a county assessed the railroad, and the latter went to court about it. The railroad lost the case in the lower court, but appealed to the State Supreme Court and won. If the final decision had been unfavorable to the railroad, the millions of dollars that the Illinois Central would have had to pay in local taxes would have doubtless bankrupted the company. For his services in this case, Lincoln was paid \$5,000--the largest legal fee he ever received.

The celebrated Rock Island case concerned the right of railroads to bridge navigable streams. In the face of strong opposition from powerful steamboat interests and river cities, the railroad had thrown a span across the Mississippi between Davenport, Iowa, and Rock Island, Ill. A few days after

the bridge was opened, the steamboat "Effie Afton" crashed into a pier and caught fire, destroying the boat and burning part of the bridge. The boat company claimed that it was an accident, and that the bridge "menaced transportation." The railroad charged that the boat had either deliberately run into the bridge or the pilot had been criminally negligent. At any rate, an action was brought by the steamboat company to recover damages for the loss of the craft, but in reality it was a test case to prevent such bridges from being built.

Lincoln was retained by the Rock Island, and the case was heard before the Federal Circuit Court in Chicago. Besides endeavoring to show that the collision was intentional, Lincoln argued that "one man has as good a right to cross a river as another has to sail up or down it." He also pointed out that railroads operate the year 'round, while river traffic is halted during the winter months. The jury disagreed, and not until years later did the United States Supreme Court rule that the bridge could remain. Had the decision been different, the entire pattern of railroad operations in this country would have been changed.

Another way that Lincoln served the railroads was as arbiter. He was often called upon to decide disputes between carriers. It was under his direction, also, that the first valuation of the Illinois Central was made.

An incident that might have changed the course of Lincoln's career is said to have occurred in the early spring of 1860. The Illinois lawyer delivered a brilliant political address at Cooper Institute in New York City, and in the audience was Erastus Corning, president of the New York Central Railroad. Corning was so impressed by the speaker that he sought Lincoln the next day and offered him the post of general counsel for the railroad at a salary of \$10,000 a year. Tempting as the proposition was, Lincoln declined it, saying that he wouldn't know what to do with so much money.

After becoming the nation's chief executive, Lincoln realized more than ever the great importance of railroads to the development and safety of the country. Consequently, he played a leading role in the launching of the Union Pacific project, which was to link the East with the West. He advocated and signed the act chartering the railroad, decided the railroad's point of beginning and fixed the width of the track as four feet, eight and one-half inches, the standard gauge. Unfortunately, a bullet from the gun of John Wilkes Booth ended Lincoln's life before his dream of a transcontinental railroad line was realized.

Railroads were often used by Lincoln in going to court and to Washington, during his political campaigns and on visits to the battlefields. It is said the he once rode in the pioneer Pullman sleeping car, which was originally tried out on the Alton between Springfield and Chicago.

During his lifetime, Lincoln made two trips by rail that have gone down in history. One was his journey to Washington to become President; the other was to Gettysburg. A third trip that has been recorded in detail was when his body was transported to Springfield for burial.

The trip from Springfield to the national capital in 1861 (today a railroad journey of 19 hours) took two weeks. It was over most of the railroads then existing between Illinois and Washington, D. C.--now the Pennsylvania, the New York Central, the Baltimore & Ohio, the Cleveland, Cincinnati, Chicago & St. Louis, and the Wabash. Traveling was done by day, the party putting up at hotels or private homes at night. A rumor that an attempt would be made to assassinate the President-elect as he passed through Baltimore caused a last-minute change of plans, and Lincoln arrived at his destination in the early morning. Unexpected at this hour, there were no cheering crowds to greet him.

In a train consisting of a gaily decorated locomotive and four coaches,

the Civil War President went to Gettysburg in 1863 to dedicate the famous battle-field. Eye witnesses claimed that he wrote at least part of his historic address in his "state room" while en route.

Lincoln was the only President for whom a private railroad car was especially built. Constructed in the military car shops at Alexandria, Va., the rich chocolate brown car bearing the coat of arms of the United States was bullet-proof, and had two lounges of unusual length to accommodate the President's great height. The car was never used by Lincoln in his lifetime, but conveyed his remains and those of his son, Willie, from Washington to their final resting place.

This last trip of the martyred President was over a long circuitous route in a funeral train heavily draped with black crepe. Although most of the journey was at night, crowds lined the track to pay homage. So many flowers were strewn over the rails that the locomotive's wheels would frequently slip, almost stalling the train.

With the death of Abraham Lincoln, the nation lost a great man and the railroads a good friend. It was he who said that "no other improvement that reason will justify us in hoping for can equal in utility the railroad."

21 1057-10 11/1/12
PAGE 6A 2 11-401 10/12

LAWYER LINCOLN'S BILL \$150 FOR HANDLING 15 RAIL CASES

WASHINGTON, Feb. 12 (AP).—Abraham Lincoln, as a lawyer, charged very modest fees for representing the Illinois Central Railroad.

The Association of American Railroads has made public a hitherto unpublished letter from Lincoln to James F. Joy, dated Sept. 14,

1855, submitting a statement for \$150, covering 15 cases in which he had taken part during the previous year. Joy was then counsel for the Illinois Central.

The letter came to the attention of the association when it was removed from the files of the Illinois Central and returned to the family of the late Henry B. Joy of Detroit, son of James F. Joy.

LINCOLN LORE

Bulletin of the Lincoln National Life Foundation - - - - - Dr. Louis A. Warren, Editor
Published each week by The Lincoln National Life Insurance Company, Fort Wayne, Indiana

Number 654

FORT WAYNE, INDIANA

October 20, 1941

LINCOLN'S \$5000 FEE

Recently one who could not be called a great admirer of the martyred President said to the editor of Lincoln Lore, "What about that \$50,000 fee that Lincoln collected in that railroad case?" Possibly the modern trend in finance made the original \$5000, which Lincoln was awarded, seem like a pittance, hence ten times the amount was named to make the sum formidable. The fact is that Lincoln, himself, received but \$2500 for his services in the above mentioned case, as he divided the fee with his partner, William Herndon.

There has been much discussion over the proceedings which finally resulted in Lincoln bringing suit against the Illinois Central Railroad for the \$5000 fee. Several points relative to the case are still in controversy, but possibly the most evasive problem is the motive which caused Lincoln to ask what for him, at least, was an unusual fee. It will be recalled that on more than one occasion he was chided by his fellow attorneys for impoverishing the bar because of his "picayune" charges.

Even before Lincoln had been retained by either side in the contemplated McLean County-Illinois Central Railroad suit, he wrote in a letter to T. R. Webber, clerk of the Champaign Circuit Court:

"The question in its magnitude to the Co. (Illinois Central) on the one hand and the counties in which the Co. has land on the other is the largest law question that can now be got up in the State, and therefore in justice to myself, I can not afford, if I can help it, to miss a fee altogether."

In this same letter to the county official Lincoln put the question of compensation squarely up to him in these words:

"The Co. is offering to engage me for them. As this will be the same question I have had under consideration for you, I am somewhat trammelled by what has passed between you and me, feeling that you have the first right to my services, if you choose to secure me a fee something near such as I can get from the other side."

Mr. Webber immediately conferred with Judge Thomas, of Champaign County, who advised that a retainer of \$50.00 might be offered Mr. Lincoln and a contingent fee up to \$500 be made available for him. No definite steps were taken, however, to secure the services of Lincoln and after waiting nearly three weeks for some reply, he wrote Mr. Brayman of the Illinois Central on October 3, 1853:

"Neither the county of McLean nor any one else on its behalf has yet made any engagement with me in relation to its suit with the Illinois Central Railroad, on the subject of taxation—I am now free to make any engagement for the Road; and if you think fit you may 'count me in.' Please write me on receipt of this—I shall be here at least ten days."

Lincoln immediately received from the Illinois Central Railroad a retainer of \$200 (some authorities state \$250). The case was eventually won for the railroad, and then came the time for Mr. Lincoln to present his bill. There are several versions of how he went about it.

Mr. James F. Joy, in a reminiscence prepared by him, has stated his part in the proceedings as follows:

"The case being ended I asked Mr. Lincoln for a settlement. He came to me and told me that he wanted me to get him a certain section of land. It was a pretty good piece, too. I promptly told Mr. Lincoln that it was impossible for me to get him the land; that all the property had been mortgaged in the interest of the trustees, and that if it was sold at all it must go for cash. However, if he insisted I would lay the matter, so I told him, before our officials and see what could be done about it. And I

did lay the matter before the Board. It turned out just as I had imagined. There was no possibility of Mr. Lincoln getting this land. He then put in a claim for \$5000."

Something very important happened, however preliminary to his filing a claim for \$5000, which apparently caused Lincoln to become greatly displeased with the reaction of the Illinois Central Railroad or perhaps, the attitude of Mr. Joy with respect to his services. Charles L. Capen, an attorney, familiar with the proceedings, wrote to a friend, "The simple truth is that the whole trouble was with James F. Joy . . . whom Mr. Lincoln afterwards despised."

An excerpt from the *Detroit Tribune* presumably published in 1890, but date not cited, released a story about Senator Chandler seeking a place for Joy on the Supreme Court Bench, whereupon President Lincoln is said to have taken from his files, the following letter and read it to Mr. Chandler, concluding that "the man who wrote that letter has not the requisite sense of justice that would warrant me appointing him on the Supreme Bench of the United States." The letter in question follows:

"Abraham Lincoln, Esq., Springfield, Ill.

"Dear Sir: Your bill for \$300 for legal services in the tax case received and contents noted. I think your charge is altogether too much. The work done was nothing but what a country lawyer could do, and I enclose a check for \$100, which you will please accept in full for your services in that suit.

"Yours respectfully,
"James F. Joy."

When Mr. Joy's attention was called to the statement prepared for the *Tribune* and asked to comment upon it and the correspondence, he admitted that Lincoln was a "local attorney associated with him in the tax case, but claimed the honor himself of finding the point of disagreement and elucidated it further and more plainly." With the result that the decision of the court was reversed and the case won. He stated that he had never authorized his name to be used as a candidate for the Supreme Court Bench, but he did not disavow the letter that was signed with his name.

It seems reasonable to conclude that Lincoln did submit a bill to Mr. Joy for his services. That the sum he asked for may have been \$300 plus the \$200 already received as a retainer is also a reasonable conclusion as it was equal to the amount he might have received from McLean County had they retained him.

If Mr. Joy sent the curt and ungracious letter to Mr. Lincoln as alleged complaining about the excessive charge, there is a bare possibility that Lincoln in deference to a cash settlement suggested the land compensation, although it would be strange if Lincoln did not already know that the railroad company could not pay lawyer's fees with land holdings which were mortgaged.

Lincoln undoubtedly learned during the interval his menial charge was pending that Mr. Joy, who was his junior by one year, had collected \$1200 for his fee in the case. Possibly Lincoln also learned that Joy had left the impression with the officers of the company that it was his, Joy's argument which finally won the verdict.

We imagine that with such information in the hands of Lincoln any attempt on the part of Mr. Joy to settle for \$500 would be ignored and Lincoln rightfully indignant over the proceedings would make it \$5000 instead of \$500 and hence the suit against the railroad.

In the memorandum which Abraham Lincoln wrote out to use in arguing his case are these words, "I, and not Joy, made the point and argument on which the case turned."

Lawyer Lincoln Filed Suit Against Wabash

Abraham Lincoln not only used the Great Western Railroad, now a part of the Wabash, for travel but in 1855 he was an attorney for Richard J. Gatling, of machine gun fame, William Martin and Henry Prather in an ejectment suit against the railroad.

Associated with Lincoln was William Prather of Decatur, it being the custom of Lincoln to have local lawyers in cities on the circuit he traveled to work with him. Sher-

against the table by the pressure of those who stood in the rear. The men standing on the table pointed their pistols directly at the crowd and called, 'Halt, or we will fire!' This started the pressure in the opposite direction and men knocked each other down in their efforts to escape.

"The payment of the men proceeded in an orderly manner next morning, and the strike was ended. This military demonstration proved very effective and the remaining years of railroad construction passed without strike or riot."

idan Wait and Willis Oglesby represented the railroad.

Lincoln filed the declaration in the case on June 2, 1855 it being charged that the railroad company was using five acres "more or less" and withholding "from the plaintiffs the possession thereof, to the damage of five hundred dollars, and therefore bring this suit."

Lincoln's name was the only name signed to the complaint. The case was continued to the next term and on Oct. 31, 1855, it was agreed that the suit should be submitted to the judge in vacation.

On June 6, 1856 the case was called again and continued. On July 3, 1857, more than two years after the suit was filed the case was heard and submitted to the Court without a jury. The judge took it under advisement.

The court records show that on April 5 and July 22, 1858, and again on March 8, 1859, the case was continued. On Aug. 10, 1859, the plaintiffs, by Attorney J. L. Post, dismissed the suit. Apparently Lincoln and Prather had dropped out as attorneys.

Lincoln traveled the Great Western many times between Decatur and Springfield and later to Belmont. His most famous trip over the line was when his special train to Washington for his inauguration as President was made on Feb. 11, 1861, the train passing through Decatur on its way to Danville and Lafayette.

Decatur Herald 5-7-54

3

TOWNLEY & TOWNLEY

ATTORNEYS AT LAW

SUITE 233 UNITY BUILDING

BLOOMINGTON, ILLINOIS

WAYNE C. TOWNLEY
WAYNE C. TOWNLEY, JR.

TELEPHONE
2-1060

March 6, 1957

Dear Dr. McMurtry,

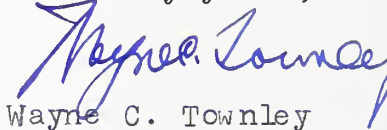
We received Miss Mollring's nice letter regarding the letter we had sent to you concerning the Post article.

Enclosed find an item which we had discussed with Dr. Warren at one time. In Mr. Lincoln's famous Illinois Central Railroad case tried here in Bloomington, there seems to have been considerable confusion as to Judge Norton's part in the case. The photostat of the Weekly Pantagraph of July 1, 1857, is enclosed. The editorial states "Under the efficient supervision of Judge Norton, who, in the absence of Judge Davis, presided during the whole term, a large amount of business was dispatched." This is Judge Jesse O. Norton, who lived and held Court at Joliet, Illinois. He is the same Norton who defeated Judge T. Lyle Dickey for Congress after the War.

I have a photostat of Docket No. 9 of the Supreme Court of June 18, 1857, and also June 23, 1857, showing the Court proceedings.

This Weekly Pantagraph article is with my compliments, but I have only one copy of the other. If you want that and are willing to photostat it and return it, I shall be glad to send it to you for such copying.

Sincerely yours,


Wayne C. Townley

WCT:dm

encl.

Dr. R. Gerald McMurtry
Director
The Lincoln National Life Foundation
Fort Wayne, Indiana

March 12, 1957

Mr. Wayne C. Townley
Townley & Townley
Attorneys at Law
Suite 233 Unity Building
Bloomington, Illinois

Dear Mr. Townley:

I have just returned to my desk after a seven weeks speaking tour to twenty eastern cities.

I find on my desk your letter of March 6 along with the interesting photostat of the court proceedings conducted by Judge Norton. I am delighted to have this photostat to add to our files. Needless to state I have read the editorial with a great deal of interest.

I would like very much to have photostats made of your Docket No. 9 of the Supreme Court of June 18, 1857 and also of June 23, 1857 showing the court proceedings. If you will send me your copy I will have photostats made here at our Foundation. I can assure you that I will take good care of your copy and return it to you as soon as possible.

In filing the photostat which you have sent me I am going to place it with your letter due to the fact that you have been so kind in supplying necessary information concerning Judge Norton's role in the famous Illinois Central Railway case.

I hope some day that I will have an opportunity to meet you personally. I have known of you and your work over a period of many years but for some reason our paths have never crossed. Perhaps at an early date I will visit Bloomington and will have an opportunity to call on you.

Yours sincerely,

RCM:WC

Director

LINCOLN BOOSTER FOR RAILROADS

**Served Them, Used Them
And Promoted Trans-
continental Line.**

Indianapolis Star Bureau,
1397 National Press Building.

Washington, Feb. 10.—Abraham Lincoln wasn't a "horse-and-buggy man"—he was a railroad booster.

Lincoln was a railroad man long before he was a national figure. He fostered railroads, pleaded their cases in court and traveled on them at every opportunity. After becoming President of the United States, he hastened the advent of transcontinental transportation by rail, and helped to determine the standard track gauge of the country.

These facts, generally unknown, will be found in the yellowed records of railroads with which Lincoln was identified and over which he rode.

As a legislator, Lincoln supported and promoted measures for the building of railroads. In fact, while a member of the Illinois Legislature, his enthusiasm overshadowed his better judgment, and he voted for an ambitious railroad construction program without much thought about where the money was coming from to carry it out. The last speech he made in Congress was on a "bill granting lands to the states to make railroads and canals," the passage of which he earnestly sought to accomplish.

Attorney for Railroads.

After serving one term in Congress, Lincoln returned to Springfield, Ill., where he resumed the practice of law. Thereafter, until 1860, he acted on many occasions as attorney for several railroads, among them being the Illinois Central, the Rock Island and the Alton.

Probably the two most important suits that Lincoln ever argued were for railroads—one for the Illinois Central and the other for the Rock Island. Both involved issues of far-reaching effect.

When the Illinois Central was granted a charter in 1851, the state exempted the railroad from taxation, in lieu of which the company was to pay 7 per cent of its gross revenues into the state treasury. Shortly after this, a county assessed the railroad, and the latter went to court about it. The railroad lost the case in the lower court, but appealed to the State Supreme Court and won. If the final decision had been unfavorable to the railroad, the millions of dollars that the Illinois Central would have had to pay in local taxes would have doubtless bank-

rupted the company. For his services in this case, Lincoln was paid \$5,000—the largest legal fee he ever received.

Offered \$10,000 Job.

An incident that might have changed the course of Lincoln's career is said to have happened in the early spring of 1860. The Illinois lawyer delivered a brilliant political address at Cooper Institute in New York city, and in the audience was Erastus Corning, president of the New York Central Railroad. Corning was so impressed by the speaker that he sought Lincoln the next day and offered him the post of general counsel for the railroad at a salary of \$10,000 a year. Tempting as the proposition was, Lincoln declined it, saying that he wouldn't know what to do with so much money.

After becoming the nation's chief executive, Lincoln realized more than ever the great importance of railroads to the development and safety of the country. Consequently, he played a leading role in the launching of the Union Pacific project, which was to link the East with the West. He advocated and signed the act chartering the railroad, decided the railroad's point of beginning and fixed the width of the track as four feet eight and one-half inches, the standard gauge. Unfortunately a bullet from the gun of John Wilkes Booth ended Lincoln's life before his dream of a transcontinental railroad line was realized.

Rode Trains to Court.

Railroads were often used by Lincoln in going to court and to Washington, during his political campaigns and on visits to the battle fields. It is said he once rode in the pioneer Pullman sleeping car, which was originally tried out on the Alton between Springfield and Chicago.

During his lifetime Lincoln made two trips by rail that have gone down in history. One was his journey to Washington, on which he stopped at Indianapolis, to become President; the other was to Gettysburg. A third trip that has been recorded in detail was when his body was transported to Springfield for burial.

The trip from Springfield to the national capital in 1861 (today a railroad journey of 19 hours) took two weeks. It was over most of the railroads then existing between Illinois and Washington—now the Pennsylvania, the New York Central, the Baltimore & Ohio, the Cleveland, Cincinnati, Chicago & St. Louis and the Wabash. Traveling was done by day, the party putting up at hotels or private homes at night.

Assassination Rumor.

A rumor that an attempt would be made to assassinate the President-elect as he passed through Baltimore caused a last-minute change of plans, and Lincoln arrived at his destination in the early morning.

In a train consisting of a gaily decorated locomotive and four coaches the Civil War President went to Gettysburg in 1863 to dedicate the famous battle field. Eyewitnesses claimed that he wrote at least part of his historic address in his "state room" while en route.

Lincoln was the only President for whom a private railroad car was especially built. The car was never used by Lincoln in his lifetime, but conveyed his remains and those of his son, Willie, from Washington to their final resting place.

This last trip of the martyred

President was over a long circuitous route in a funeral train, including an Indianapolis stop, heavily draped with black crepe. Although most of the journey was at night, crowds lined the track to pay homage. So many flowers were strewn over the rails that the locomotive's wheels would frequently slip, almost stalling the train.

It was Lincoln who said that "no other improvement that reason will justify us in hoping for can equal in utility the railroad."

Corrects Record on Lincoln

IN YOUR excellent Lincoln Sesquicentennial section of Feb. 12 there appear conflicting statements as follows: On Page 2 John Drury writes that Lincoln defended the Chicago & Alton Railroad in the Effie Afton steamboat accident case.

On Page 12 a small item says it was the Rock Island Railroad that Lincoln defended in the Effie Afton case.

For your information, the latter is the correct version. The fact is, Lincoln was long active as a railroad lawyer.

His connection with the Illinois Central was not terminated until after his nomination for the presidency. He also represented the Great Western Railway, which became part of the Wabash System.

The \$5,000 fee that Lincoln received from the Illinois Central, of which Mr. Drury speaks, grew out of a suit on behalf of McLean County, Ill., to force the railroad to pay property taxes in that county (which would be in addition to the state tax fixed in its charter).

Although the McLean County Circuit Court held

that the county tax was valid, its findings was overruled by the Illinois Supreme Court, before which Lincoln made the oral argument.

* * *

THE JURY in the Effie Afton steamboat case, which was tried in the U.S. District Court of Chicago, disagreed after a long hearing.

RUSSELL E. JAMES.
Western Springs.

LINCOLN APPEARED IN CHANCERY SUIT

**Came to Carlinville in 1855 In
Railroad Case.**

**Was Member of Firm of Underwood &
Lincoln—Entry Found in Files in
Lincoln's Own Handwriting.**

The Centennial celebration held in Carlinville last week and the unveiling of a tablet to the memory of Abraham Lincoln, revived the question asked many times in the past as to whether or not Lincoln had ever had a case in the Macoupin county circuit court. The question has been settled. Lincoln did have a case in our circuit court and that fact was established last week by Paul M. Angle, of Springfield.

Mr. Angle is secretary of the Abraham Lincoln association and when he came to this city last week to attend the unveiling and at which time he spoke, he went to the court house to investigate and look into the files. There with the assistance of Circuit Clerk Blaeuer and Deputy Clerk Milton Mahan, Mr. Angle found the evidence which established the fact beyond doubt that Lincoln had a case in the circuit court here.

The files disclosed the fact that the case in which Lincoln appeared was in chancery and was over a bill asking for an accounting and receivership involving the Ohio & Mississippi railroad.

In the files was a printed book of many pages, reciting the legal facts in part, and the first page of it reads as follows:

"St. Clair county circuit court, in chancery; Henry A. Clark and James L. D. Morrison, complainants versus Daniel D. Page, Henry D. Bacon et al. and the Ohio & Mississippi railroad, defendants; bill for relief and account and for a receiver, etc. Filed August 3, 1855. Bretton A. Hill solicitor for complainants, Lyman Trumbull and Gustavus P. Koerner, of counsel."

The presiding judge in the above proceeding was Hon Sidney Breese, of St. Clair county. There are a large number of documents in the files and they are of course all written in long-hand and easily read and splendidly preserved.

After a time it appears that the case came to Macoupin county on a change of venue and it was then that Lincoln's name became connected with the suit.

Under date of September 6 1855, the following order was filed in the case:

"Henry A. Clark and others versus Daniel D. Page and others."

"And now on this day come the said complainants, by Trumbull & Bacon, their solicitors, and move the court to judge of the sufficiency of the plea heretofore filed by the defendants, Bacon & Page, to the jurisdiction of the court, whereupon the said plea is set down for hearing and the said defendants, Bacon & Page, appearing by Underwood & Lincoln, their solicitors, and the court, after hearing arguments and being fully advised of and concerning the premises, overrules said plea, and adjudge it to be insufficient. Whereupon the defendants, Henry D. Bacon and Joshua H. Alexander, filed this their joint and several answers to said bill and said complainants pray process as against the defendants, who have not heretofore appeared; and enter their motion for the appointment of a receiver and injunction; due notice of the intention of making said motion having been given to all of the parties defendant."

On the back of the single sheet of paper upon which the above motion was written, was the following in the handwriting of Abraham Lincoln:

"And now again come the complainants, and on their motion the cause is continued for service of process upon such of the defendants as have not appeared herein; and leave is also given them to amend their bill herein; and also come the defendants, Bacon and Alexander and on their motion leave is given them to amend their answer herein."

As soon as Mr. Angle saw the writing he said: "That's it. That is Lincoln's writing." Right under the paragraph written by Mr. Lincoln, the presiding judge, D. M. Woodson, made the following order: "Record the above also."

The date this instrument was filed was September 7, 1855. This law suit was tried in the old court house that stood in the center of the public square, and was more than ten years before the present court house was started.

So far as is known this is the first time that anything really authentic has appeared in print concerning Lincoln and this law suit.

Judge D. M. Woodson mentioned above was presiding over the first judicial district of Illinois as it was at that time. This was changed many years ago and is now the seventh judicial district. It will be 74 years next September since this suit was in court in Carlinville.

RAILROAD MOURNED LINCOLN'S PASSING

The Chicago & Alton, Known
as His Line, Draped Its
Stations in Tribute.

HE ONCE WAS ITS LAWYER

Towns Erected Arches and Crosses,
While Crowds Wept as His
Funeral Train Passed By.

One of the greatest of human-interest stories woven into the history of the Chicago and Alton Railroad is that of the passing of the funeral train of Abraham Lincoln on May 2 and 3, 1865, says The Baltimore & Ohio Railroad Magazine.

The Chicago and Alton rightly may be termed "Lincoln's Railroad." He lived along its lines and traveled on it. He served as lawyer for the company and when his body went to its last resting place it was carried over the C. & A.

It was at the peaceful and pleasant town of Springfield, Ill., that Lincoln and his family spent many happy days. Here it was that the tall, awkward figure moved up and down the streets as he went to and from his duties. Here he was so well beloved by his neighbors, old and young alike. Here the children followed at his heels, and the boys "crawled all over him." Here the inhabitants delight to tell the story of how Mrs. Lincoln "put it over" on her husband while he was away from home and had the second story built on their house, so that when Mr. Lincoln returned he failed—or pretended to fail—to recognize his home. The address which he delivered as a farewell to his neighbors on the day that he left to take up his duties as President of the United States is written not only in the annals of the town, but in the history of the country.

Served as Lawyer for Road.

It was during the time that he lived at Springfield that he served as lawyer for the Chicago and Alton. He traveled over the railroad during his political campaigns and when he sallied forth to those spirited debates with Douglas.

General George B. McClellan of Civil War fame and who had helped to develop the Illinois Central Railroad, said in his memoirs of Mr. Lincoln:

"Long before the war, when vice president of the Illinois Central Railroad Company, I knew Mr. Lincoln. . . . More than once I have been out with him in out-of-the-way county seats where some important case was being tried and, in the lack of sleeping accommodations, have spent the night in front of a stove listening to the unceasing flow of anecdotes from his lips."

Definite details of Mr. Lincoln's connection with the Chicago & Alton are unavailable, save that he served as an attorney for that road. His name appears on several cases which were carried to the State Supreme Court, 1851-52.

Railroad cases, according to The Kansas City Star, were not strange to Abraham Lincoln. His name appears in several cases where the railroads were in court. One case in which he figured successfully was on behalf of the Rock Island in defending the rights of the railroads to build bridges across navigable streams. This case has been called a turning point in railroad development. Abraham Lincoln was also making history for transportation while he was making history for his country.

Then came that day when all the nation mourned the passing of this most human of men. President of the United States he was, but he had never been too busy to share the burdens of his fellow-creatures; never too full of his own woes to listen to another's trouble. He had laughed with those who were happy and "wept with those who weep."

Over the Chicago & Alton the funeral train passed on its way from Chicago to Springfield. And all along the way there were people to mourn its passing.

Hours they waited at the little towns and villages, for they had come out ahead of time, and the train had been delayed an hour because of the great throngs at Chicago.

Houses Were Draped in Mourning.

They kindled bonfires and waited. They and their houses had been draped in mourning. They hoisted banners on which were printed mottoes expressive of their sorrow. "Come home," said one of these banners at Lockport, Ill.

It was raining at Joliet, but that did not deter the twelve thousand people who had assembled to pay their last tribute. Bands played funeral dirges, bells were tolled, bonfires blazed, guns were fired in salute as the train, draped in heavy mourning, made its solemn way toward Springfield.

Every little depot was draped in mourning. The American Flag was displayed. An archway at Bloomington carried the inscription, "Go to Thy Rest." Whole populations came out to meet the train. Homes were forgotten. Business was set aside. The hearts of the people were gathered together under the draperies of one black car.

"The train was made up of a special, odd little engine with large, flaring smoke funnel," says The Kansas City Star, "and nine cars drawn slowly. Mourning drapes were extended from the engine to the last coach."

In Lincoln, Ill., women garbed in white, their gowns edged in black, sang a requiem as the train passed under an arch, each side of which bore a portrait of the deceased President.

Arches and crosses and flowers were everywhere; people by the thousands.

As the train pulled into Atlanta, Ill., the sunrise of the May morning lent a bit of softening loveliness to the sombre draperies. A great throng had assembled at the Chicago & Alton station in Springfield and at all of the roads and streets leading up to the station. A magnificent hearse, drawn by six beautiful horses, met the train.

Quietly the procession moved on to the State House, where, in the Hall of Representatives, the casket was placed.

The doors were opened. The multitude filed in at the north door and out at the south door. Old men and school children, young men and old women, women in silks and women in rags, women bringing babies in their arms, that their children might look upon this great man and say in after years to their children and grandchildren, "I have seen Abraham Lincoln."

A great man had gone to his reward.

Lincoln's Railroad.

It was the Alton & Sangamon in the 1850s. That was the name with which it began life. Crossing the prairie lawyers's country it was not surprising that someone from the "home" section should be chosen to represent its interests at law. Nor was it any more surprising that the attorney should be the gaunt reader of law books who had been down to the State Legislature for four terms. People recognized him as up and coming. Through his efforts largely the State capital had been moved from Vandalia up to Springfield. He pleaded his road's cases in court and looked after its claims. Then a decade and a half later, after the country had gone through an experience felt for generations, they brought him back in his funeral car on the same railroad, by mourner-crowded platforms of stations whose interests he had defended at the bar. Thus, it is Lincoln's railroad which will be sold at auction, December 11, in front of the station at Wilmington, Ill. The old C. & A., with less than 1100 miles of tracks and \$60,000,000 of bonded indebtedness, delivered into the hands of a receiver by the auto and motor bus, to be absorbed by the B. & O., "to be sold to the highest bidder." A business proposition and naturally so, yet surely someone in the group at the auction will have a thought for the days of the line's defender of fourscore years ago.
